

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0254.02
Proposed development:	Extension of Consent Period - Demolition of Existing Structures & Construction of Seven (7) Storey Mixed Use Development containing Ground & First Floor Commercial Tenancies x 5, Residential Apartments x 45 & Ground Level & Basement Car Parking
Property address:	342 - 346 High Street, PENRITH NSW 2750 342 - 346 High Street, PENRITH NSW 2750 342 - 346 High Street, PENRITH NSW 2750 342 - 346 High Street, PENRITH NSW 2750
Property description:	Lot 1 SP 65435 Lot 2 SP 65435 Lot 3 SP 65435 Lot 4 SP 65435
Date received:	27 August 2018
Assessing officer	Sufyan Nguyen
Zoning:	Zone B4 Mixed Use - LEP 2010
Class of building:	Class 2 , Class 5 , Class 7a
Recommendations:	Approve

Executive Summary

Council is in receipt of an application seeking an extension of consent lapsing period under Section 4.54 (formerly Section 95A) of the *Environmental Planning and Assessment Act 1979* for development consent no. DA16/0254 which was determined on 17 March 2017 and is due to expire on 29 March 2019.

DA16/0254 granted consent for the construction of a mixed use development with 5 commercial tenancies (1 office and 4 retail premises) and 45 residential units. The applicant proposes to launch a project sales event in September 2018 and requires monetary deposits to finance the project by mid 2019. Given that a lack of financing resources has delayed the commencement of any physical development, this is deemed satisfactory to warrant an extension of the consent lapsing record.

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, notification of the application was not required.

An assessment under Section 4.54 (Extension of lapsing period for 1 year) of the EP&A Act has been undertaken and the application is recommended for approval.

Site & Surrounds

The subject site is known as 342 - 346 High Street, Penrith and is legally described as Lots 1 - 4 SP 65435. The site is situated in the eastern fringe of the Penrith City Centre which accommodates a range of commercial development and community facilities. The site is adjacent to and opposite buildings of heritage significance.

Proposal

The application seeks approval for an extension to the lapsing period of consent no. DA16/0254 which was determined on 17 March 2017 and is due to lapse on 29 March 2019, under Section 4.55 (formerly Section 95A) of the *Environmental Planning and Assessment Act 1979* which permits Council to extend the lapsing period of a consent by one (1) year.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014

Planning Assessment

• Section 95A - Extension of lapsing consent by 1 year

The application has been assessed in accordance with the matters for consideration under Section 4.54 (formerly 95A) Extension of lapsing period for 1 year of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, is found to be acceptable. The subject application proposes an extension of the consent period related to DA16/0254, as follows:

- Current expiry date: 29 March 2019
- Proposed expiry date: 29 March 2020

In relation to Section 4.54 of the *Environmental Planning and Assessment Act 1979*, it is noted that the applicant has shown "good cause" and there being no outstanding planning considerations, Council can exercise its discretion in consenting to the request for an extension of the consent lapsing period by one (1) year. The applicant has advised that they are proposing a project sales event in September 2018 and intend to commence construction works in mid 2019. Given that the applicant requires monetary deposits to finance the project, this is a vital component to commence any physical development and is considered to be satisfactory to warrant an extension of the consent lapsing period.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Complies
D2.6 Non Residential Developments	Complies
E11 Penrith	Complies

Section 79C(1)(d) Any Submissions

Community Consultation

Notification of the application was not warranted in accordance with Council's DCP requirements.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Community Safety Officer	No objections - subject to conditions

Conclusion

The application has been assessed under Section 4.54 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and has been found to be satisfactory. The applicant has shown "good cause" as per the requirements of Section 4.54 of the EP&A Act and it is recommended that the lapsing period of the consent be extended by one (1) year to 29 March 2020.

Recommendation

That DA16/0254.02 for the extension of the lapsing period of consent no. DA16/0254 at 342 - 346 High Street, Penrith be approved.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following stamped approved plans and documents, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and documents and by the following conditions.

Description	Reference Number	Prepared by	Dated
Site Analysis	HEN27390-DA0001-E	Integrated Design Group	24/02/2016
Development Control Summary	HEN27390-DA0002-B	Integrated Design Group	15/07/2016
Site Envelope Analysis	HEN27390-DA0003-A	Integrated Design Group	02/11/2015
Design Principles	HEN27390-DA0004-A	Integrated Design Group	02/11/2015
Site Plan	HEN27390-DA0100-J	Integrated Design Group	19/08/2016
Street Elevations	HEN27390-DA0101-B	Integrated Design Group	16/07/2016
Basement Plan 01	HEN27390-DA1000-O	Integrated Design Group	29/08/2016
Basement Plan 02	HEN27390-DA1000-A	Integrated Design Group	29/08/2016
Ground Floor Plan	HEN27390-DA1100-R	Integrated Design Group	14/12/2016
Level 1 Plan	HEN27390-DA1101-K	Integrated Design Group	16/07/2016
Level 2 Plan	HEN27390-DA1102-I	Integrated Design Group	16/07/2016
Level 3 Plan	HEN27390-DA1103-I	Integrated Design Group	16/07/2016
Level 4 Plan	HEN27390-DA1104-I	Integrated Design Group	16/07/2016
Level 5 Plan	HEN27390-DA1105-I	Integrated Design Group	16/07/2016
Level 6 Plan	HEN27390-DA1106-I	Integrated Design Group	16/07/2016
Roof Plan	HEN27390-DA1107-I	Integrated Design Group	16/07/2016
North and South Elevations	HEN27390-DA2000-G	Integrated Design Group	16/07/2016
East and West Elevations	HEN27390-DA2001-H	Integrated Design Group	15/07/2016
Internal Elevations	HEN27390-DA2002-C	Integrated Design Group	29/08/2016
Section A	HEN27390-DA3000-E	Integrated Design Group	29/08/2016
Section B & C	HEN27390-DA3001-E	Integrated Design Group	29/08/2016
Driveway Section	HEN27390-DA3002-D	Integrated Design Group	29/08/2016
Adaptable Units and Universal Housing	HEN27390-DA9001-E	Integrated Design Group	15/07/2016

Waste Management	HEN27390-DA9002-G	Integrated Design Group	14/12/2016
Glazed Walkway Details	HEN27390-DA9003-D	Integrated Design Group	15/07/2016
Lourve Detail	HEN27390-DA9004-A	Integrated Design Group	05/02/2016
Front Facade Screen Detail	HEN27390-DA9005-B	Integrated Design Group	15/07/2016
Signage Details - High Street	HEN27390-DA9007-A	Integrated Design Group	15/07/2016
External Finishes Schedule	HEN27390-DA9600-B	Integrated Design Group	15/07/2016
Signage Details - General Locations	HEN27390-DA9008-A	Integrated Design Group	15/07/2016
Area Calculations	HEN27390-DA9300-B	Integrated Design Group	11/07/2016

Documents:

- Thermal Comfort and BASIX Assessment, prepared by Efficient Living, dated 22/02/2016.
- BASIX Certificate No. 637931M
- Statement of Heritage Impact, prepared by Margaret Fallon of Integrated Design Associates, dated November 2015.
- Waste Management Report, prepared by Integrated Design Group, dated August 2016.
- Geotechnical Investigation at 344 High Street, Penrith prepared by Ground Technologies, dated 23 June 2016.
- BCA Assessment Report, prepared by Blackett, Maguire and Goldsmith, dated March 2016.
- Access Review, prepared by Funktion, dated 17/12/2015.
- Stormwater Management Report - 342-346 High Street, Penrith, prepared by Stuart Brown of Abel & Brown Pty. Ltd. dated 6 June 2016.

2 [A014 - LOT CONSOLIDATION](#)

The subject allotments shall be consolidated into one title and any required rights of carriageway, rights of footway, boundary adjustments or other access arrangements necessary to access the subject site are to be registered on title.

A copy of the registered plan from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of an Occupation Certificate for the development.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than approved by this consent or an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

5 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

Delivery and service vehicles (including private garbage collection vehicles) generated by the development are to be limited to between 7am and 10pm Monday to Friday.

6 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

7 [A047](#)

The **Construction Certificate** plans and documentation shall incorporate amended waste management and collection arrangements incorporating the following requirements:

(a) Waste trucks are not permitted to manoeuvre over any adjoining properties and shall be wholly contained within the land that is subject to this consent.

(b) Waste trucks shall enter and exit the site in a forward direction. This may require the provision of a turntable on the site and/or modifications to the proposed car parking and vehicle access arrangements.

(c) Provision shall be made for an on-site loading bay for Council's waste collection vehicles along with a temporary waste collection area within close proximity of the loading bay, positioned so that Council's contractors do not have to cross any paths of vehicular travel. Such a loading bay shall be sign posted 'No parking - Waste and removalist vehicles excepted' or similar.

(d) Swept paths for Council's 10.5m long Heavy Rigid Vehicle (HRV) demonstrating ingress, egress and accessing of the site in a forward direction with minimal conflicts with other users of the site.

(e) A plan of management detailing how waste bins will be managed by the development's caretaker prior to being left in the temporary waste collection area on bin pick up day. The plan of management shall also detail how commercial waste will be managed such that it will not impact on Council's residential collection service.

Plans and details in this regard shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

8 [A048](#)

Prior to the issue of a Construction Certificate, details of measures to reduce vehicle conflict within the narrow section of the basement carriageway separating the basement beneath Building A and Building B shall be submitted to and approved by Council. Such measures may include, but are not limited to:

- Traffic control devices including sensors to detect vehicle movement which govern the right of way within the single width section of the basement.
- Line marking and signage to highlight rights of way and warning information to basement users around this single width section of basement.
- Increased width of the basement to allow two way travel within the currently single width section.

9 [A Special \(Allocation of car parking spaces\)](#)

Prior to the issue of a Construction Certificate, plans of the basement must be submitted to, and approved by, Council showing the allocation of all basement car parking. Car parking spaces shall be allocated as follows:

- 1 space per 1 or 2 bedroom unit.
- 2 spaces per 3 bedroom unit.
- 1 dedicated car washing bay.
- 9 dedicated visitor spaces.
- 7 dedicated spaces for the retail tenancies.
- The remainder of the spaces for the commercial tenancies. These spaces will be allocated specifically during the applications required for the fit and use of these tenancies.

Note: Each adaptable unit must be allocated an accessible parking space.

10 [A Special \(Asbestos Clearance\)](#)

A Clearance Inspection shall be carried out and a Clearance Certificate issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before any site excavation or construction works occur. This Certificate is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The Clearance Certificate is to verify that the surface of the development site is free from asbestos. The Clearance Inspection and Clearance Certificate is to be undertaken and prepared in accordance with the Work Health and Safety Regulation 2011 and all applicable Australian Standards and NSW WorkCover Codes of Practice.

11 [A Special \(Crane requirements\)](#)

Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council at least 21 days prior to its erection, indicating at least the following:

- Name of responsible company and relevant contact details.
- Dimensions (height, length, etc).
- Position and orientation of boom/jib and counter boom/jib.
- Length of time that such a crane or structure will be erected on site.
- The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counterboom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for a period of time ensure the crane's boom is retracted and lowered as far as possible.
- No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

12 [A Special \(Design Verification CC\)](#)

Prior to the issue of a Construction Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

13 [A Special \(Design Verification OC\)](#)

Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

14 [A Special \(Dilapidation Report\)](#)

Prior to the issue of a Construction Certificate, a dilapidation report prepared by a structural engineer shall be submitted recording the condition of any buildings or ancillary structures within the likely zone of influence from any excavation, dewatering or construction induced vibration. The report is to be submitted to Council and the appointed certifying authority.

Prior to the issue of an Occupation Certificate, an updated dilapidation report must be prepared and submitted to Council and the Certifying Authority. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

15 [A Special \(Further DA for fit out and use\)](#)

A further development application is required for the fit and use of any of the retail or commercial tenancies approved by this consent.

16 A Special (Requirements of the DoPE)

The following requirements of the NSW Government Architect's Office Design Competition Waiver shall be adhered to at the relevant stages of the development's design and construction:

(a) A Design Review Panel (DRP) must be established to review the project throughout its design and construction to ensure design excellence is achieved. Review and endorsement of design documents must take place as follows:

- Prior to the issue of a Construction Certificate application,
- At any other time nominated by the DRP.

(b) Design verification, issued by a registered architect is to be provided with the application for an Occupation Certificate verifying that the development achieves the design quality of the development as shown on the plans and specifications in respect of which the construction certificate was issued, in particular in regards to finishes and detailing.

(c) The original design architects must remain directly involved in the project, including design documentation, contract documentation and construction stages.

17 A Special (Screening of plant)

Any plant or unsightly structures installed on the external facades or rooftop must be screened from view.

18 A Special CPTED consolidated

Prior to the commencement of the development's use and in perpetuity, the following community safety and crime prevention through environmental design (CPTED) requirements shall be satisfied:

Lighting

- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.

Basement Car Parking

- Resident, staff, visitor and commercial tenancy parking spaces must be clearly identified within the basement car park.
- Pedestrian entry/exit points to the car park, including the lifts and stairwell, must also be fitted with access control systems to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces (walls/ceilings) should be light coloured to maximise light distribution.
- Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
- CCTV cameras should be provided for this development and are recommended for the basement car park, particularly on entry/exit points, including lift lobbies and stairwells.

Communal/Public Areas

- Communal areas and utilities must be easily seen and well lit.
- Access to communal areas must be restricted to residents, staff and authorised guests/visitors only.
- Clear signage must be displayed to indicate the location of facilities, and to indicate facilities that are accessible/for use by residents only.
- Common areas that are not intended for night time use should be securely locked after hours. Signage should indicate opening hours for each facility/area.
- Open style or transparent materials are encouraged on doors and/or walls of elevators/stairwells.
- Seating should be located in areas of active uses.

Residential Developments Building Identification

- Each individual dwelling should be clearly numbered.
- Unit numbers should be clearly provided on each level.
- Each building entry should clearly state the unit numbers accessed from that entry.

Building Security & Access Control

- CCTV Recordings must be made 24 hours/7 days and footage must be kept for a minimum period of 30 days. The CCTV control system must be located within a secured area within the main ground floor reception area and must only be accessed by authorised personnel. Signage noting that CCTV cameras have been installed must also be clearly displayed throughout the building, as proposed.
- Access from the street and pedestrian connections from within the building must be secured by a swipe card system and/or intercom to restrict unauthorised access, except for the ground floor commercial tenancies.
- Access to service areas and staff areas must be restricted via a swipe card by authorised staff which will assist in restricting unauthorised access.
- Main entry doors for apartment buildings should be displayed requesting residents to not leave doors wedged open.

- Australian Standard 220 door and window locks should be installed in all dwellings.
- Storage and loading dock areas should be well secured and well lit.
- viewers on entry doors shall be installed to allow residents to see who is at the door before it is opened.
- If security grills are used on windows they should be operable from inside in case of emergencies.

Ownership & Space Management

- The management team must ensure that the building is maintained at all times, including replacement of lighting, regular maintenance of all public areas and landscaped open space and general repairs. Management must also ensure the speedy repair or cleaning of damaged or vandalised property and provide for the swift removal of graffiti.

Way Finding/Finding Help

- Signs should be large and legible, and use strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- Signs should indicate how to report maintenance problems in the complex.
- Where exits to pedestrian routes are closed after-hours this should be indicated at the entrance to the route and information on alternative routes should be clearly advised.
- Signs that provide way finding information should not be relied upon solely, the overall legibility of the design needs to be well considered. Users of the space need to be able to intuitively understand where they are within the complex or area and how they can get away.
- Commercial facilities fronting the development must be clearly signposted and numbered. Street numbers should be at least 7 cm high, and positioned between 1 m and 1.5 m above ground level on the street frontage.
- Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).
- Location maps and directional signage should be provided for the proposed development to assist with wayfinding.

Graffiti/Vandalism

- Any blank surfaces fronting the development may be susceptible for graffiti vandalism. Graffiti resistant coatings must be used to external surfaces where possible, also including signage, furniture, retaining walls etc. Wall-hugging vegetation (i.e. 'green-screening') may also be considered to deter graffiti to vulnerable walls.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities.

19 [A Special Indemnity Agreement](#)

Prior to the issue of any Occupation Certificate, all dwellings within the Penrith LGA are required to enter a formal agreement with Penrith City Council for the utilization of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

20 [A Special Waste Services Detailed Requirements](#)

Prior to the issue of a Construction Certificate, revised plans and documentation shall be submitted which satisfy the following requirements:

(a) Waste Chute System

- Suitable door clearance for the service of bins.
- Should a roller shutter door be provided an additional service door is required inclusive of an Abloy Key system.
- Floor graded to a central drainage point connected to the sewer, enabling all waste to be contained and safely disposed of.
- Fully enclosed and roofed with a minimum internal room height in accordance with the Building Code of Australia 2016 (BCA).
- The room is to be provided with an adequate supply of water through a centralized mixing valve with hose cock.
- Incorporation of adequate lighting and naturally/mechanically ventilated to meet the requirements of the BCA.

(b) Waste Collection Room

- Room built to store **8 x 1,100L bins** plus 0.2m between bins to allow adequate manoeuvrability room.
- Suitable door access for the service of bins.

- Should a roller shutter door be provided an additional service door is required inclusive of an Abloy Key system.
- The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections.
- Floor graded to a central drainage point connected to the sewer, enabling all waste to be contained and safely disposed of.
- Fully enclosed and roofed with a minimum internal room height in accordance with the Building Code of Australia 2016 (BCA).
- A room is to be located in close proximity to the loading bay.
- The room is to be provided with an adequate supply of water through a centralized mixing valve with hose cock.
- Incorporation of adequate lighting and naturally/mechanically ventilated to meet Building Code of Australia 2016 requirements.

(c) Bulky Household Goods Room

- The room is to be **6m²** in area to allow service of the development with a minimum room width of 1.8m.
- Suitable door access for the service of bins with a minimum width of 1.8m.
- Should a roller shutter door be provided an additional service door is required inclusive of an Abloy Key system.
- The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections.
- Floor graded to a central drainage point connected to the sewer, enabling all waste to be contained and safely disposed of.
- Fully enclosed and roofed with a minimum internal room height in accordance with the Building Code of Australia 2016 (BCA).
- A room is to be located in close proximity to the loading bay.
- The room is to be provided with an adequate supply of water through a centralized mixing valve with hose cock.
- Incorporation of adequate lighting and naturally/mechanically ventilated to meet Building Code of Australia 2016 requirements.

(d) Bin Transportation

For the internal movement of 1,100L bins a Tug Device is required to assist the caretaker and Council's collection staff to manoeuvre the bins throughout the development. Each site is required to provide a mechanical tug or suitable towing device to assist in the movement of bins. Specifications of the device and location of where it will be stored are required.

(e) Service Lift

Specifications and workings of the bin service lift are required.

(f) Commercial Waste

Commercial waste cannot be stored in the residential chute or waste collection room. Commercial waste is required to be stored in a separate enclosed room located on ground floor. The private contractor can use the loading bay, however Council's waste collection vehicle must be given priority for the collection of residential waste streams.

Demolition

21 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

22 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

Prior to commencement of demolition works on site, a portaloos with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environment Protection Authority to receive asbestos wastes.

23 B004 - Dust

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

24 B005 - Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

25 B006 - Hours of work

Demolition works shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm, if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building that do not involve external walls or the roof, and do not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Heritage/Archaeological relics

26 C003 - Uncovering relics

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

27 D001 - Implement approved sediment& erosion control measures

A soil erosion and sediment control plan, prepared in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction" 2004, shall be submitted for consideration and approval with the Construction Certificate application. {Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication.}

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established.

28 D007 - Cut and fill of land requiring Validation Certificate –limited to footprint

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

29 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

30 **D01**

Prior to the issue of a Construction Certificate, written confirmation is to be prepared by a suitably qualified environmental consultant confirming the contamination status of the site and the suitability of the site for the approved development. This documentation is to be submitted to Penrith City Council for consideration and approval prior to the issue of a Construction Certificate.

Should any remediation works be required, separate development consent is to be sought from Penrith City Council before the remediation works commence. All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land and therefore require development consent.

Should remediation works be required, the site shall be remediated in accordance with the conditions of consent for the remediation works. In this situation, the remediation works shall be completed and validated by a suitably qualified environmental consultant prior to the issue of a Construction Certificate.

31 **D012 (Acoustic Assessment)**

Prior to the issue of a Construction Certificate, the submitted Acoustic Assessment is required to be amended to accurately reflect and assess the current proposed development, including the mixed use components as well as be amended to include an assessment, in accordance with the Industrial Noise Policy, of the noise impacts associated with the commercial and retail premises (including the proposed café/open space area), car parking, deliveries and garbage removal activities, upon nearby receivers, including any residential units within the development itself. This assessment is required to demonstrate compliance with established noise criteria and where mitigation measures are necessary, these are to be included in the amended Acoustic Assessment report.

Additionally the amended Acoustic Assessment is required to address the 'Interim Construction Noise Guideline' and assess the noise and vibration impacts associated with the construction phase of the development.

The amended Acoustic Assessment shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

32 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Report required by the condition above. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

33 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

34 **D020 - Vehicle wash bay**

Vehicle wash bays are to be installed and connected to the sewer in accordance with Sydney Water's requirements. The Section 73 Certificate issued by Sydney Water for the discharge of vehicle wash bay wastewater from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

35 D026 - Liquid wastes

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

36 D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan 2014) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith Development Control Plan 2014) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Development Control Plan 2014 defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

37 D Special (Unexpected Finds)

Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

BCA Issues

38 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

39 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

Health Matters and OSSM installations

40 F022 – Commercial kitchens (kitchen exhaust system)

A separate application is required for the fit out and use of any retail or commercial tenancies approved by this consent.

It should be noted that cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard 1668, Parts 1 & 2.

Details of the installation of the kitchen exhaust system may be submitted with the Construction Certificate application if there is likely to be a restaurant or cafe or any other land use which necessitates the installation of such an exhaust system.

If installed, the kitchen exhaust system must be designed to prevent or minimise air pollution including the emission of odours, vapours and oils in accordance with the Protection of the Environment Operations Act 1997.

If installed, prior to the issue of an Occupation Certificate, the installer of the kitchen exhaust system (either the individual person or the Company who installed the exhaust system) shall certify or submit appropriate documentation (as instructed by the Principal Certifying Authority) that all practical pollution control measures have been installed to achieve the requirements of the Protection of the Environment Operations Act 1997.

Utility Services

41 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

42 [G004 - Integral Energy](#)

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the relevant stage of the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

43 [G006 -](#)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

44 [G Special \(Hydrant booster\)](#)

Prior to the issue of a Construction Certificate, Penrith City Council must be consulted over the proposed location of the hydrant booster. Details must be provided to Penrith City Council to confirm the location, material and design dimensions of any heat shield required.

Construction

45 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

46 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

47 [H022 - Survey](#)

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

48 [H033 – Clothes line](#)

Clothes drying facilities are to be provided and screened from public view.

49 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

50 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

51 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

52 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

53 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm, if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

54 [H042 - Adaptable Dwelling Certification](#)

The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable units are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).

Engineering

55 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

56 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

57 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waster skips, signs, etc in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

58 **K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the re-construction of John Cram Place, provision of new stormwater drainage pipeline and new junction pit and footpath construction (full width, concrete) in John Cram Place and new stormwater drainage pipeline with reconstruction of kerb & gutter in Castlereagh Street.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

59 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Abel & Brown Pty Ltd, reference number 2518 - H-01 to H-11, revision C, dated July 2016.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policies.

60 **K212 - No loading on easements**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/or services easement have been designed clear of the zone of influence.

61 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

62 **K224 - Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking during construction is provided for the development and parking in the area is not severely impacted by the construction of the development.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards and the Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

63 **K403 - Major Filling/ Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

64 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those within John Cram Place are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

65 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

66 **K503 - Works as executed – General and Compliance Documentation**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments Policy.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifying Authority.

67 **K504 - Stormwater Compliance**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

68 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of an Occupation Certificate, a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments Policy.

69 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of resident, business and visitor parking to the satisfaction of the Principal Certifying Authority.

70 **K515 - Maintenance Bond**

Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for the re-construction of John Cram Place, new stormwater drainage pipeline and new junction pit and footpath construction in John Cram Place and new stormwater drainage pipeline with reconstruction of kerb & gutter in Castlereagh Street.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

71 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Landscaping

72 **L000 Special (Update Landscape Plans)**

Prior to the issue of a Construction Certificate, an updated Landscape Plan consistent with the stamped approved plans shall be submitted to and approved by Council.

73 **L001 - General**

All landscape works are to be constructed in accordance with the Landscape Plan, required by the condition above, and Sections C6 of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

74 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

75 [L003 - Report requirement](#)

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

An Occupation Certificate, for the relevant stage, should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate being issued, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a suitably qualified and experienced landscape professional.

76 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Development Control Plan 2014.

77 [L006 - Aust Standard](#)

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

78 [L007 - Tree protection measures—no TMP with DA](#)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in the Landscape Section of Penrith Development Control Plan 2014.

79 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Development Contributions

80 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$168,930.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

81 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$16,416.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

82 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Penrith City Centre Civic Improvements. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$407,368 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Penrith City Centre Civic Improvements may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

83 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

84 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.